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September 10, 2024

VIA ECF

Honorable Mary Kay Vyskocil
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Michael Henry v. City of New York, et al.,
24 Civ. 2380 (MKV)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter.¹ I write on behalf of the City of New York (“City”) as an interested party to respectfully request a *nunc pro tunc* forty-five (45) day extension of time for this Office to respond to the Court’s August 5, 2024 Valentin Order, from September 5, 2024 until October 21, 2024. This is the first request for such an extension of time. The undersigned was unable to contact plaintiff for his consent prior to the filing of this letter due to his current incarceration status. The undersigned apologizes for not writing the Court at least 72 hours prior to the date which this Office’s response to the Valentin Order was due as required by Your Honor’s Individual Rules of Practice, but the case was just assigned to the undersigned yesterday.

By way of background, plaintiff, who is proceeding *pro se*, brings this action, pursuant to 42 U.S.C. § 1983, alleging, *inter alia*, failure to protect arising from an assault on or about May 28, 2023. Plaintiff named the “Department of Corrections” as the defendant in this

¹ This case has been assigned to Assistant Corporation Counsel Jonathan Klobus, who is awaiting admission to the New York Bar. Mr. Klobus is handling this matter under my supervision and may be reached at (212) 356-2660 or jklobus@law.nyc.gov.

action. See ECF No. 1. On August 5, 2024, Your Honor construed the Complaint as asserting claims against the City of New York, Correction Officer Simmons, and several John Doe Officers and ordered this Office to provide “full identifying information for Correction Officer Simmons” and to “ascertain the identities and badge numbers of the John Doe Officers whom Plaintiff seeks to sue here and the address where the Defendants may be served.” ECF No. 9.

The reason for the instant request for an extension of time to respond to the Court’s Valentin Order is that the undersigned was only assigned to this case yesterday, and as such, we have not yet had an opportunity to investigate the allegations in the Complaint and attempt to ascertain the full identity of Correction Officer Simmons as well as the identity and service address of each John Doe whom plaintiff seeks to sue in this action. Accordingly, the undersigned respectfully requests a forty-five (45) day extension of time, from September 5, 2024 until October 21, 2024, for this Office to attempt to identify the John Doe defendants and provide service addresses pursuant to the Court’s Valentin Order.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Inna Shapovalova

Inna Shapovalova

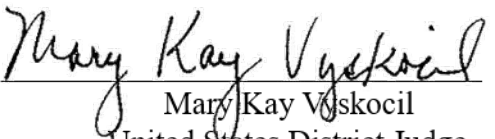
Senior Counsel

Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL**
Michael Henry
Plaintiff pro se
DIN: 24R1344
Woodbourne Correctional Facility
99 Prison Road
Woodbourne, NY 12788

Granted. SO ORDERED.

Date: 9/12/2024
New York, New York


Mary Kay Vyskocil
United States District Judge